

Article - Family Law

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§5-331.

(a) Before termination of parental rights as to a child, a petition for adoption of the child may be filed only as provided in this Part III of this subtitle.

(b) (1) With the consent of the local department with custody of a child, any adult may petition a juvenile court under this Part III of this subtitle to adopt the child.

(2) If a petitioner under this section is married, the petitioner's spouse shall join in the petition unless the spouse:

(i) is separated from the petitioner under a circumstance that gives the petitioner a ground for annulment or divorce; or

(ii) is not competent to join in the petition.

(c) (1) A petitioner under this section shall attach to a petition:

(i) for a parent who is dead, a death certificate;

(ii) for each other parent:

1. the consent required under this Part III of this subtitle;

2. an affidavit, by the local department with custody of the child, stating that:

A. despite reasonable efforts as provided in § 5-316 of this subtitle, the parent cannot be located; and

B. to the best knowledge of the local department, the parent has not contacted the local department or child for at least 180 days immediately before the filing of the petition; or

3. if applicable:

A. proof of guardianship or relinquishment of parental rights granted by an administrative, executive, or judicial body of a state or other jurisdiction; and

B. certification that the guardianship or relinquishment was granted in compliance with the jurisdiction's laws;

(iii) each other consent required under § 5-338 of this subtitle;

(iv) a copy of an agreement, if any, for postadoption contact;
and

(v) a notice of filing that:

1. states the date on which the petition was filed;
2. identifies each person whose consent was filed with the petition;

3. states the obligation of a parent to give the juvenile court and local department notice of each change in the parent's address;

4. if applicable, states that a postadoption agreement was filed with the petition; and

5. includes no identifying information that would be in violation of an agreement or consent.

(2) In addition to a copy of an agreement for postadoption contact, a petitioner shall file the original agreement under seal.

(d) If the marital status of a petitioner changes before entry of an order, the petitioner shall amend the petition accordingly.

(e) The local department with custody of the child shall assist a petitioner in complying with the requirements of this section.

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